

EXHIBIT A

Johnathan Burks

06/03/2021

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF MICHIGAN

3 SOUTHERN DIVISION

4
5 JOHNATHAN L. BURKS,

6 Plaintiff,

No. 2:19-cv-10027

7 vs.

HON. GERSHWIN A. DRAIN

8 BENNY NAPOLEON, ET AL.,

MAGISTRATE ANTHONY P. PATTI

9 Defendants,

10 _____/

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12
13 The Deposition of JOHNATHAN BURKS,

14 Taken at 737 Woodlawn Ave,

15 Jackson, Michigan,

16 Commencing at 10:00 a.m.,

17 Thursday, June 3, 2021,

18 Before Melinda R. Womack, CSR3611.

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APPEARANCES:

MR. PAUL T. O'NEILL P57293
 Assistant Corporation Counsel
 500 Griswold, 30th Floor
 Detroit, Michigan 48226
 (313)224-5402
 poneill@waynecounty.com
 Appearing on behalf of the Plaintiff.

MS. SARAH S. PRESCOTT P70510
 Salvatore Prescott & Porter
 105 E Main Street
 Northville, Michigan 48167-1619
 (248)679-8711
 prescott@spplawyers.com
 Appearing on behalf of the Defendants.

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Jackson, Michigan

Thursday, June 3, 2021

About 10:00 a.m.

JOHNATHAN BURKS,

having first been duly sworn, was examined and testified
 on his oath as follows:

EXAMINATION BY MR. O'NEILL:

Q. Mr. Burks, my name is Paul O'Neill. Today's the
 date and time set for your deposition in the case
 that you brought against Wayne County Sheriff
 Benny Napoleon, Corporal Lee, Corporal Seals,
 Officer Williams, and other Defendants in this
 case. Do you remember filing this case back in
 January of 2019, correct?

A. Yes.

Q. All right. Why don't you tell me first of all why
 you're suing Wayne County and the individual
 officers involved.

**A. Because I was housed in protective custody unit
 and I was sexually assaulted by another inmate.**

Q. Okay. What do you believe the Defendants did
 wrong in this case?

**A. Well, first off, I would say when I asked to speak
 with a supervisor, I was ignored multiple times.
 I feel like they didn't protect me.**

Q. Okay. Anything else?

A. No.

Q. Okay. Why were you in protective custody in the
 Wayne County Jail in August of 2016?

MS. PRESCOTT: Give me a little bit of
 time so I can object. I just wanted to object on
 the foundation.

MR. O'NEILL: Okay.

MS. PRESCOTT: Now you can answer.

Q. (By Mr. O'Neill, continuing) Why were you in
 protective custody?

**A. Because my case, my profile, and they didn't want
 me to be hurt. The County didn't want me to be
 hurt.**

Q. Why were you or who told you that the County
 didn't want you to be hurt?

**A. I guess it was just the way that they came and
 removed me from general population to segregation.**

Q. When did that occur?

A. I don't remember the exact date.

Q. Okay. Did anybody speak to you at that time when
 they moved you from general population to
 segregation?

MS. PRESCOTT: That's a pretty vague
 question. Just give me a minute. It's vague.

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1 There's no timeline of did anyone talk to you
 2 when, but go ahead.
 3 Q. (By Mr. O'Neill, continuing) Can you answer that?
 4 **A. No. No one talked to me.**
 5 Q. Okay. So how did you come to an understanding
 6 that Wayne County wanted to protect you and move
 7 you into protective custody?
 8 **A. Because my case was high profile and it was all**
 9 **over the news.**
 10 Q. Is that just your understanding? I'm just trying
 11 to -- I'm not trying to trick you Mr. Burks. I'm
 12 trying to figure out is that just your
 13 understanding that when a case is high profile,
 14 you could be moved into protective custody, or is
 15 there anything any other reason for your
 16 understanding?
 17 **A. I just -- that's my understanding that because of**
 18 **my case was on the news, they put me there.**
 19 Q. Okay. So what was your case about?
 20 **A. It was about a three-year-old being murdered.**
 21 Q. All right. What were you charged with?
 22 **A. I was charged with first degree premeditated**
 23 **murder, first degree felony murder, two assault**
 24 **with intent to murders, discharging a firearm into**
 25 **a building causing death, and home invasion one,**

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1 Q. Is he any relation to you?
 2 **A. He's my cousin.**
 3 Q. All right. And there is another Defendant,
 4 Reginald Street?
 5 **A. Yes, sir.**
 6 Q. Is he a relation to you?
 7 **A. No, sir, he's not.**
 8 Q. All right. Does he serve in the same jail or
 9 prison as you right now?
 10 **A. No, sir.**
 11 Q. Have you had any conversation with Mr. Street
 12 between, between now and about when the jury found
 13 you guilty?
 14 **A. No, sir, I haven't.**
 15 Q. Okay. So you believe that sometimes juries can
 16 get things wrong in criminal cases, correct?
 17 **A. Yes, sir, I do.**
 18 Q. In the incident that you complain of against Wayne
 19 County and the individual officers, they -- you
 20 alleged -- you make various allegations, correct?
 21 **A. I did.**
 22 Q. Okay. And you hand typed the original Complaint
 23 that was filed in this case, correct?
 24 **A. Yes, sir.**
 25 MS. PRESCOTT: Johnathan, you got to

1 **and felony firearm.**
 2 Q. All right. Did all those charges go to a jury?
 3 **A. Yes, sir.**
 4 Q. And what did the jury find?
 5 **A. They found me not guilty of everything except for**
 6 **the felony firearm and the home invasion one.**
 7 Q. All right. You believe you were guilty of the
 8 home invasion one and felony firearm?
 9 **A. No, sir, I do not.**
 10 Q. Why is that?
 11 **A. Because I didn't have a gun and I did not enter**
 12 **the home.**
 13 Q. All right. But you were in a car by the home?
 14 **A. Yes, sir, I was.**
 15 Q. When the crime occurred, correct?
 16 **A. Yes.**
 17 Q. Did you know before that -- strike that. Did you
 18 do any driving of that vehicle any time during
 19 that night?
 20 **A. Yes. I was actually forced to drive away from the**
 21 **scene.**
 22 Q. Who forced you?
 23 **A. My Co-Defendant. He's deceased now.**
 24 Q. What's his name?
 25 **A. Paul Kendall.**

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1 slow down.
 2 **THE WITNESS: Yes, ma'am.**
 3 MS. PRESCOTT: You got to listen so
 4 that I can interrupt. So I think the question was
 5 vague. I think you said hand typed, Paul. I'm
 6 not sure if that's what you meant. But maybe I
 7 heard it wrong.
 8 Q. (By Mr. O'Neill, continuing) Yeah, I said hand
 9 typed. Is that correct, Mr. Burks?
 10 **A. Yes.**
 11 MS. PRESCOTT: Then I object to the, to
 12 the -- go ahead.
 13 Q. (By Mr. O'Neill, continuing) All right. So you
 14 sat at a typewriter and typed out the Complaint.
 15 **A. I couldn't hear you.**
 16 Q. You sat at a typewriter and typed out the
 17 Complaint that you filed against the Defendants in
 18 this case.
 19 MS. PRESCOTT: You're asking if he sat
 20 at the typewriter to type this lawsuit or the
 21 original allegations? That's the vague.
 22 Q. (By Mr. O'Neill, continuing) Do you understand
 23 the question, Mr. Burks?
 24 **A. You're going in and out, so I didn't hear you.**
 25 Q. I'll be happy to repeat. Technology causes a